

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
OFFICE OF THE CLERK

DAVID J. BRADLEY  
ACTING CLERK OF COURT

1133 N. Shoreline Blvd., Rm. 208  
Corpus Christi, TX 78401-2042  
361-888-3142

U.S. DISTRICT COURT  
N.D. OF N.Y.  
**RECEIVED**

OCT 13 2009

October 7, 2009

LAWRENCE K. BAERMAN, CLERK  
ALBANY

Clerk, U.S. District Court  
Northern District of New York  
Albany Division  
509 James T. Foley  
Albany, NY 12207-2936

RE: Our Case: 2:06-CR-386-01  
Your Case: 1:09-CR-444

USA vs. Donald Miller

Dear Clerk:

Enclosed for the purpose of Transfer of Jurisdiction for supervised proceedings is a certified copy of the Transfer of Jurisdiction, Indictment, Judgment, and the Docket Sheet. The full case can be accessed through the Electronic Case Filing/Pacer System for the Southern District of Texas at:

[ecf.txsd.uscourts.gov](http://ecf.txsd.uscourts.gov)

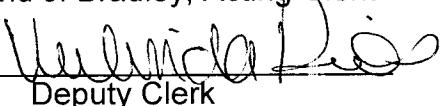
Please acknowledge receipt of these documents by signing the receipt below, indicating your case number and returning it to us in the enclosed envelope.

Sincerely,

Done. (WL)

David J. Bradley, Acting Clerk

By:

  
Deputy Clerk

RECEIVED AND FILED UNDER DOCKET NO. \_\_\_\_\_  
on \_\_\_\_\_.

CLERK, U.S. DISTRICT COURT

By:  
Deputy Clerk

**TRANSFER OF JURISDICTION**

DOCKET NUMBER (*Tran. Court*)  
2:06CR00386-001

DOCKET NUMBER (*Rec. Court*)  
**1:09CR 444 (GLS)**

NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE:  DONALD MILLER NEW YORK	DISTRICT  SOUTHERN DISTRICT OF TEXAS	DIVISION  CORPUS CHRISTI
United States Courts Southern District of Texas FILED  OCT - 7 2009  Clerk of Court		
NAME OF SENTENCING JUDGE  THE HONORABLE HAYDEN HEAD, CHIEF JUDGE		
DATES OF PROBATION/SUPERVISED RELEASE:		FROM 5-25-09      TO 5-24-12

OFFENSE

CT 1- Conspiracy to Possess with Intent to Distribute 59 Kilograms of Marijuana  
CT 2- Possession with Intent to Distribute 59 Kilograms of Marijuana

**PART 1 - ORDER TRANSFERRING JURISDICTION**

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, CORPUS CHRISTI DIVISION

It is ordered that the jurisdiction of this probationer or supervised releasee be transferred with the records of the Court to the United States District Court for the Northern District of New York, Albany Division on that Court's acceptance. This Court expressly consents that the period of supervision may be changed by the receiving District Court without approval of this court. See 18 U.S.C. 3605.

5/14/09  
Date

Hayden Head  
Hayden Head, Chief Judge

**PART 2 - ORDER ACCEPTING JURISDICTION**

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK, ALBANY DIVISION

Jurisdiction over the person supervised is accepted by this Court from the entry of this order.

8/18/09  
Effective Date

Gary L. Sharp  
United States District Judge

TRUE COPY I CERTIFY  
ATTEST: 16-7709  
Clerk of Court  
By V. P. Deputy Clerk

OCT 13 2009

LAWRENCE K. BAERMAN, CLERK CLOSED  
ALBANY

**U.S. District Court**  
**SOUTHERN DISTRICT OF TEXAS (Corpus Christi)**  
**CRIMINAL DOCKET FOR CASE #: 2:06-cr-00386 All Defendants**  
**Internal Use Only**

1:09-CR-0444 GLS

Case title: USA v. Miller et al  
 Magistrate judge case number: 2:06-mj-00363

Date Filed: 05/24/2006  
 Date Terminated: 12/03/2006

Assigned to: Chief Judge Hayden Head

**Defendant (1)**

**Donald Miller**  
 TERMINATED: 12/03/2006

represented by **L Chris Iles**  
 L Chris Iles PC  
 American Bank Plaza  
 711 N. Carancahua, #700  
 Corpus Christi , TX 78475  
 361-883-2020  
 Fax: 713-758-0308  
 Email: corpuslawyer@gmail.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
**Designation: CJA Appointment**

**Pending Counts**

CONSPIRACY TO DISTRIBUTE  
 MARIJUANA  
 (1)  
 MARIJUANA - SELL, DISTRIBUTE,  
 OR DISPENSE  
 (2)

**Disposition**

37 Months; 3 Yrs SRT; to run  
 concurrent; \$100 Spec. Assessment  
 (consecutive)

37 Months; 3 Yrs SRT; to run  
 concurrent; \$100 Spec. Assessment  
 (consecutive)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**  
 None

ATTESTED  
 10-7-09  
 Clerk of Court  
 by   
 Deputy Clerk

**Complaints**

Knowingly, intentionally, and unlawfully possess with intent to distribute a controlled substance, to wit:  
59.5 kilograms of marijuana

**Disposition**

Assigned to: Chief Judge Hayden Head

**Defendant (2)****Jessica Mae Lawrence**

TERMINATED: 09/15/2006

represented by **Patrick J McGuire**

Attorney at Law  
555 Del Mar Blvd  
Corpus Christi , TX 78404  
361-888-6842  
Fax: 361-888-4428  
Email: patrick.mcguire@sbcglobal.net  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Pending Counts**

CONSPIRACY TO DISTRIBUTE

MARIJUANA

(1)

MARIJUANA - SELL, DISTRIBUTE,  
OR DISPENSE

(2)

**Disposition**

30 mos BOP; 3 yrs SRT ; \$100 Special Assessment

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition****Highest Offense Level (Terminated)**

None

**Complaints**

Knowingly, intentionally, and unlawfully possess with intent to distribute a controlled substance, to wit:  
59.5 kilograms of marijuana

**Disposition**

**Plaintiff****USA**

represented by **Patricia Hubert Booth**  
United States Attorneys Office  
800 N Shoreline  
Ste 500  
Corpus Christi , TX 78401  
361-888-3111  
Fax: 361-888-3200  
Email: Patti.Booth@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Financial Litigation**  
U S Attorney's Office  
P O Box 61129  
Houston , TX 77208  
713-567-9000  
Fax: 713-718-3391 fax  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**US Marshal - CC**  
1133 North Shoreline, Room 109  
Corpus Christi , TX 78401  
361-888-3154  
Fax: 361-888-3174  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**US Pretrial Svcs-CC**  
1133 N Shoreline Blvd  
Rm 114  
Corpus Christi , TX 78401  
361-888-3411  
Fax: 361-888-3419 fax  
Email:  
txsptdb\_cordury@txspt.uscourts.gov  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**US Probation - CC**  
1133 North Shoreline Blvd, Room 124  
Corpus Christi , TX 78401  
361-888-3518 fax  
Fax: 361-888-3518 fax  
Email:  
TXSPdb\_CorDuty@txsp.uscourts.gov  
*ATTORNEY TO BE NOTICED*

*Designation: Retained*

Date Filed	#	Docket Text
05/11/2006		Arrest of Donald Miller, Jessica Mae Lawrence, filed. (lrivera, ) [2:06-mj-00363] (Entered: 05/16/2006)
05/13/2006	1	COMPLAINT as to Donald Miller, Jessica Mae Lawrence, filed. (lrivera, ) [2:06-mj-00363] (Entered: 05/16/2006)
05/15/2006	2	Minute Entry for proceedings held before Judge Brian L Owsley :INITIAL APPEARANCE as to Donald Miller, Jessica Mae Lawrence,(Deft informed of rights) held on 5/15/2006 .. Preliminary Examination & Detention Hearing set for 5/18/2006 at 10:00 AM before Magistrate Judge Brian L Owsley... Appearances:Ken Cusick.(Digital # 1:57:09-2:03:33)(ERO:Grace Lerma) (Interpreter:not needed) Deft remanded to custody , filed.(lrivera, ) [2:06-mj-00363] (Entered: 05/16/2006)
05/15/2006		Attorney update in case as to Donald Miller. Attorney Larry Chris Iles for Donald Miller added. (lrivera, ) [2:06-mj-00363] (Entered: 05/16/2006)
05/15/2006	3	Attorney Chris Iles was appointed to represent defendant as to Donald Miller, filed.(lrivera, ) [2:06-mj-00363] (Entered: 05/16/2006)
05/15/2006	4	CJA 20 as to Donald Miller: Appointment of Attorney Larry Chris Iles for Donald Miller ( Signed by Judge Brian L Owsley ). Parties notified. (lrivera, ) [2:06-mj-00363] (Entered: 05/16/2006)
05/15/2006	6	(Court only) SEALED CJA 23 Financial Affidavit by Donald Miller, filed. (kwallace, ) [2:06-mj-00363] (Entered: 05/16/2006)
05/15/2006	9	ORDER OF TEMPORARY DETENTION AND HEARING as to Donald Miller, Jessica Mae Lawrence .( Signed by Judge Brian L Owsley ). Parties notified. (kwallace, ) [2:06-mj-00363] (Entered: 05/16/2006)
05/15/2006		Attorney update in case as to Jessica Mae Lawrence Attorney Patrick J McGuire for Jessica Mae Lawrence added. (lrivera, ) [2:06-mj-00363] (Entered: 05/16/2006)
05/15/2006	5	Attorney Patrick McGuire was appointed to represent defendant as to Jessica Mae Lawrence, filed.(lrivera, ) [2:06-mj-00363] (Entered: 05/16/2006)
05/15/2006	7	(Court only) SEALED CJA 23 Financial Affidavit by Jessica Mae Lawrence, filed.(kwallace, ) [2:06-mj-00363] (Entered: 05/16/2006)
05/15/2006	8	CJA 20 as to Jessica Mae Lawrence: Appointment of Attorney Patrick J McGuire for Jessica Mae Lawrence ( Signed by Judge Brian L Owsley ). Parties notified. (kwallace, ) [2:06-mj-00363] (Entered: 05/16/2006)
05/18/2006		Minute Entry for proceedings held before Judge Brian L Owsley :PRELIMINARY EXAMINATION & DETENTION HEARING as to Donald Miller, Jessica Mae Lawrence held on 5/18/2006. Testimony presented. Argument heard. Court finds probable cause. Deft #2 waives detention hearing in open court. Arguments heard on issue of bond as to Deft

		#1; Court denies bond. Appearances:Ken Cusick, Larry Chris Iles, Patrick J McGuire.(Digital # 10:07:49-10:35:38)(ERO:amireles) Deft remanded to custody , filed.(kbledsoe, ) [2:06-mj-00363] (Entered: 05/18/2006)
05/18/2006	<u>10</u>	ORDER OF DETENTION PENDING TRIAL as to Donald Miller.( Signed by Judge Brian L Owsley ). Parties notified. (kwallace, ) [2:06-mj-00363] (Entered: 05/19/2006)
05/18/2006	<u>11</u>	ORDER OF DETENTION PENDING TRIAL as to Jessica Mae Lawrence. ( Signed by Judge Brian L Owsley ). Parties notified. (kwallace, ) [2:06-mj-00363] (Entered: 05/19/2006)
05/24/2006	<u>12</u>	INDICTMENT (The original indictment with the signature of the grand jury foreperson is on file under seal with the clerk) as to Donald Miller (1) count (s) 1, 2, Jessica Mae Lawrence (2) count(s) 1, 2, filed. (amireles, ) (Entered: 05/24/2006)
05/24/2006	<u>13</u>	US Attys Criminal Docket Sheet as to Donald Miller, Jessica Mae Lawrence, filed.(amireles, ) (Entered: 05/25/2006)
05/25/2006	<u>14</u>	NOTICE OF SETTING as to Donald Miller, Jessica Mae Lawrence. Arraignment set for 5/31/2006 at 09:00 AM before Magistrate Judge B. Janice Ellington, filed.(lhardwick, ) (Entered: 05/26/2006)
05/31/2006		Minute Entry for proceedings held before Judge B. Janice Ellington :ARRAIGNMENT as to Jessica Mae Lawrence (2) Count 1,2 held on 5/31/2006. Defendant plead Not Guilty on Counts 1-2. Other Matters: Defendant related medical issues to the Court. Defendant stated she had not been given treatment for allergies. USMS to investigate the complaint. Appearances:Jon Muschenheim, Patrick J McGuire, US Marshal - CC. (Digital # 9:10:47-9:18:33)(ERO:Lisa Hardwick) Deft remanded to custody , filed.(lhardwick, ) (Entered: 05/31/2006)
05/31/2006		Minute Entry for proceedings held before Judge B. Janice Ellington :MINUTE ENTRY re: arraignment as to Donald Miller held on 5/31/2006. Arraignment not held. Defendant was taken to hospital. USMS stated defendant was later released and was available for court. Arraignment re-set to 6/1/06 at 9:00 a.m. Parties notified. Appearances:Jon Muschenheim, Larry Chris Iles, US Marshal - CC.(Digital # 9:10:47-9:11:47)(ERO:Lisa Hardwick) , filed.(lhardwick, ) (Entered: 05/31/2006)
05/31/2006		RESET HEARING as to Donald Miller: Arraignment set for 6/1/2006 at 09:00 AM before Magistrate Judge B. Janice Ellington. (lhardwick, ) (Entered: 05/31/2006)
05/31/2006	<u>16</u>	SCHEDULING ORDER as to Jessica Mae Lawrence. Dispositive Motion Filing due by 6/12/2006 Responses due by 6/19/2006 Pretrial Conference set for 6/21/2006 at 08:30 AM before Judge John D. Rainey Proposed Voir Dire due by 7/3/2006 Jury Selection set for 7/10/2006 at 08:30AM before Judge John D. Rainey Jury Trial set for 7/10/2006 at 08:30 AM before Judge John D. Rainey Non-Dispositive Motion Filing due by 6/12/2006( Signed by Judge B. Janice Ellington ). Parties notified. (kwallace, ) (Entered: 06/01/2006)

06/01/2006		Minute Entry for proceedings held before Judge B. Janice Ellington :ARRAIGNMENT as to Donald Miller (1) Count 1,2 held on 6/1/2006. Defendant plead Not Guilty on Counts 1-2. Appearances:Jon Muschenheim, Larry Chris Iles, US Marshal - CC.(Digital # 9:01:00-9:05:06)(ERO:Lisa Hardwick) Deft remanded to custody , filed.(lhardwick, ) (Entered: 06/01/2006)
06/01/2006	<u>15</u>	SCHEDULING ORDER as to Donald Miller. Dispositive Motion Filing due by 6/12/2006 Responses due by 6/19/2006 Pretrial Conference set for 6/21/2006 at 08:30 AM before Judge John D. Rainey Proposed Voir Dire due by 7/3/2006 Jury Selection set for 7/10/2006 at 08:30AM before Judge John D. Rainey Jury Trial set for 7/10/2006 at 08:30 AM before Judge John D. Rainey Non-Dispositive Motion Filing due by 6/12/2006( Signed by Judge B. Janice Ellington ). Parties notified. (kwallace, ) (Entered: 06/01/2006)
06/02/2006	<u>17</u>	NOTICE of Transfer. Case reassigned to Judge Hayden Head for the following reason: agreement between Judges, filed.(kwallace, ) (Entered: 06/05/2006)
06/02/2006	<u>18</u>	NOTICE of Transfer. Case reassigned to Judge Hayden Head for the following reason: Agreement between Judges, filed.(kwallace, ) (Entered: 06/05/2006)
06/21/2006		Minute Entry for proceedings held before Judge Hayden Head :RE-ARRAIGNMENT held on 6/21/2006. Donald Miller (1) Guilty Count 1,2 and Jessica Mae Lawrence (2) Guilty Count 1. Written plea agreemenn filed on Jessica Mae Lawrence. No agreement on Donald Miller. PSI ordered. Sentencing set September 7, 2006 at 8:30 a.m. Court concluded. Appearances: Patricia Hubert Booth,AUSA, Larry Chris Iles f/Miller, Patrick J McGuire f/Lawrence, C. Volkman,USPO, S.Nash USM, C. Kemett USM (Digital # 10:32am-11:04am)(ERO:Genay Rogan) Deft remanded to custody of U.S. Marshal , filed.(ssyler, ) (Entered: 06/21/2006)
06/21/2006	<u>19</u>	PLEA AGREEMENT as to Jessica Mae Lawrence , filed. (lrivera, ) (Entered: 06/23/2006)
06/21/2006	<u>20</u>	ORDER for Presentence Investigation and Disclosure & Sentencing Dates as to Donald Miller, Jessica Mae Lawrence. PSI Completion due by 7/26/2006. Objection to PSI due by 8/10/2006 Final PSI due by 8/22/2006 Sentencing set for 9/7/2006 at 08:30 AM before Chief Judge Hayden Head.( Signed by Judge Hayden Head ). Parties notified. (lrivera, ) (Entered: 06/23/2006)
07/31/2006	<u>21</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Donald Miller, filed.(Iles, Larry) (Entered: 07/31/2006)
08/23/2006	<u>22</u>	FINAL PRESENTENCE INVESTIGATION REPORT (Sealed) as to Jessica Mae Lawrence , filed. (rmonroy, ) (Entered: 08/23/2006)
08/23/2006	<u>23</u>	CONFIDENTIAL SENTENCING RECOMMENDATION (Sealed) regarding Jessica Mae Lawrence , filed. (rmonroy, ) (Entered: 08/23/2006)
08/23/2006	<u>24</u>	SEALED ADDENDUM to <u>22</u> Final Presentence Investigation Report as to

		Jessica Mae Lawrence , filed. (rmonroy, ) (Entered: 08/23/2006)
08/23/2006	<u>25</u>	FINAL PRESENTENCE INVESTIGATION REPORT (Sealed) as to Donald Miller , filed. (rmonroy, ) (Entered: 08/23/2006)
08/23/2006	<u>26</u>	CONFIDENTIAL SENTENCING RECOMMENDATION (Sealed) regarding Donald Miller , filed. (rmonroy, ) (Entered: 08/23/2006)
08/23/2006	<u>27</u>	SEALED ADDENDUM to <u>25</u> Final Presentence Investigation Report as to Donald Miller , filed. (rmonroy, ) (Entered: 08/23/2006)
09/07/2006	<u>28</u>	Minute Entry for proceedings held before Judge Hayden Head :Sentencing held on 9/7/2006 for Jessica Mae Lawrence (2), Count(s) 1, 30 mos BOP; 3 yrs SRT. Appearances: Patricia Hubert Booth, Patrick J McGuire.(Digital # 10:54 - 10:59)(ERO:Lori Cayce) Deft remanded to Custody of USMS , filed. (lsmith, ) (Entered: 09/08/2006)
09/11/2006	<u>29</u>	NOTICE OF SETTING as to Donald Miller..... Sentencing set for 11/30/2006 at 08:30 AM before Chief Judge Hayden Head., filed.(ssyler, ) (Entered: 09/11/2006)
09/14/2006	<u>30</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Donald Miller <i>1st Amended</i> , filed.(Iles, Larry) (Entered: 09/14/2006)
09/15/2006	<u>31</u>	JUDGMENT as to Jessica Mae Lawrence ( Signed by Judge Hayden Head ). Parties notified. (amireles, ) (Entered: 09/18/2006)
09/15/2006	<u>32</u>	STATEMENT OF REASONS (Sealed) as to Jessica Mae Lawrence , filed. (amireles, ) (Entered: 09/18/2006)
11/30/2006	<u>33</u>	Minute Entry for proceedings held before Judge Hayden Head :Sentencing held on 11/30/2006 for Donald Miller (1), Count(s) 1, 37 Months; 3 Yrs SRT; to run concurrent; \$100 Spec. Assessment (consecutive); Count(s) 2, 37 Months; 3 Yrs SRT; to run concurrent; \$100 Spec. Assessment (consecutive). Appearances: Robert Thorpe, Larry Chris Iles.(Digital # 8:33 - 8:46)(ERO:Dana Perez) Deft remanded to Custody , filed.(glerma, ) (Entered: 11/30/2006)
11/30/2006	<u>34</u>	SEALED MOTION by Donald Miller, filed. (glerma, ) (Entered: 11/30/2006)
11/30/2006	<u>35</u>	SEALED ORDER as to Donald Miller DENYING Sealed Motion re: 34 , entered and placed in vault. ( Signed by Judge Hayden Head ). Parties notified. (glerma, ) (Entered: 11/30/2006)
12/03/2006	<u>36</u>	JUDGMENT as to Donald Miller ( Signed by Judge Hayden Head ). Parties notified. (kwallace, ) (Entered: 12/05/2006)
12/03/2006	<u>37</u>	STATEMENT OF REASONS (Sealed) as to Donald Miller , filed. (kwallace, ) (Entered: 12/05/2006)
12/03/2006		(Court only) ***Case Terminated as to Donald Miller, Jessica Mae Lawrence (kwallace, ) (Entered: 12/05/2006)
05/11/2009	<u>38</u>	Transfer of Jurisdiction transferred to Western District of Tennessee, Jackson

		Division as to Jessica Mae Lawrence., filed.(amireles, ) (Entered: 05/11/2009)
05/11/2009	<u>39</u>	Transmittal LETTER as to Jessica Mae Lawrence re: tranfer of jurisdiction, filed. (amireles, ) (Entered: 05/11/2009)
05/14/2009	<u>40</u>	Original Prob 22 form forwarded to USPO as to Donald Miller:, filed. (dperez, ) (Entered: 05/17/2009)
05/22/2009	<u>41</u>	RECEIPT of Transmittal Letter from Western District of Tennessee filed under case 09-10047 received on 5/14/09 as to Jessica Mae Lawrence, filed. (vrios, ) (Entered: 05/22/2009)
10/07/2009	<u>42</u>	Supervised Release Jurisdiction Transferred to Northern District of New York, Albany Division as to Donald Miller., filed.(vrios, ) (Entered: 10/07/2009)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

United States Courts  
Southern District of Texas  
FILED

MAY 24 2006

*Michael N. Milby, Clerk of Court*

UNITED STATES OF AMERICA

v.

DONALD MILLER  
JESSICA MAE LAWRENCE

§  
§  
§  
§  
§  
§  
§  
§

CRIMINAL NUMBER

1:09-CR-0444 GLS

**C - 06-386**

U.S. DISTRICT COURT  
N.Y. OF N.Y.  
FILED

INDICTMENT

THE GRAND JURY CHARGES THAT:

OCT 13 2009

COUNT ONE

LAWRENCE F. BAERMAN, CLERK  
ALBANY

On or about May 11, 2006, in the Corpus Christi Division of the Southern District of Texas  
and elsewhere within the jurisdiction of the Court, the defendants,

DONALD MILLER,  
and JESSICA MAE LAWRENCE,

did knowingly and intentionally conspire and agree together, with each other, and with other persons known and unknown to the Grand Jurors to knowingly and intentionally possess with intent to distribute a controlled substance. This violation involved more than fifty (50) kilograms of marijuana, that is, approximately fifty-nine (59) (gross weight) kilograms of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(C).

RUE COPY I CERTIFY  
ATTEST: 10-7-09  
Clerk of Court  
By *V.B. Quesada*  
Deputy Clerk

12

COUNT TWO

On or about May 11, 2006, in the Corpus Christi Division of the Southern District of Texas and elsewhere within the jurisdiction of the Court, the defendants,

DONALD MILLER,  
and JESSICA MAE LAWRENCE,

did knowingly and intentionally possess with intent to distribute a controlled substance. This violation involved more than fifty (50) kilograms of marijuana, that is, approximately fifty-nine (59) (gross weight) kilograms of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and Title 18, United States Code, Section 2.

A TRUE BILL:

  
~~FOREPERSON OF THE GRAND JURY~~

DONALD J. DeGABRIELLE, JR.  
UNITED STATES ATTORNEY

By:

  
\_\_\_\_\_  
PATTI HUBERT BOOTH  
Assistant United States Attorney

DEC 1 - 2009

U.S. DISTRICT COURT

N.D. OF N.Y.  
FILED

OCT 13 2009

UNITED STATES OF AMERICA  
v.  
DONALD MILLERLAWRENCE K. BAERMAN, CLERK  
JUDGMENT IN A CRIMINAL CASE  
ALBANY

109-CR-0444 GLS

 See Additional Aliases.**THE DEFENDANT:**

- pleaded guilty to count(s) One and Two on June 21, 2006
- pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.
- was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 U.S.C. § 846, 841(a)(1) and (b)(1)(C)	Conspiracy to Possess with Intent to Distribute 59 Kilograms of Marijuana	03/11/2006	1
21 U.S.C. § 841(a)(1) and (b)(1)(C)	Possession with Intent to Distribute 59 Kilograms of Marijuana	03/11/2006	2

 See Additional Counts of Conviction.

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) \_\_\_\_\_
- Count(s) \_\_\_\_\_  is  are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

November 30, 2006  
Date of Imposition of Judgment

HAYDEN HEAD  
CHIEF JUDGE  
Name and Title of Judge

KUE COPY I CERTIFY  
ATTEST: 10-7-09  
Clerk of Court  
By V. Davis  
Deputy Clerk

12/3/06  
Date

JJ CNG/dln

DEFENDANT: **DONALD MILLER**  
CASE NUMBER: **2:06CR00386-001**

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 37 months.

This term consists of 37 months as to Counts One and Two to be served concurrently.

See Additional Imprisonment Terms.

- The court makes the following recommendations to the Bureau of Prisons:  
That the defendant participate in a comprehensive drug treatment program while incarcerated.
- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district:  
 at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_.  
 as notified by the United States Marshal.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:  
 before 2 p.m. on \_\_\_\_\_.  
 as notified by the United States Marshal.  
 as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

---

---

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Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: **DONALD MILLER**  
CASE NUMBER: **2:06CR00386-001**

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 3 years.

This term consists of 3 years as to Counts One and Two to be served concurrently.

See Additional Supervised Release Terms.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court. (for offenses committed on or after September 13, 1994)

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

## STANDARD CONDITIONS OF SUPERVISION

See Special Conditions of Supervision

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: **DONALD MILLER**  
CASE NUMBER: **2:06CR00386-001**

## SPECIAL CONDITIONS OF SUPERVISION

**DRUG TREATMENT:** The defendant shall participate in a program, inpatient or outpatient, for the treatment of drug and/or alcohol addiction, dependency or abuse which may include, but not be limited to urine, breath, saliva and skin testing to determine whether the defendant has reverted to the use of drugs and/or alcohol. Further, the defendant shall participate as instructed and as deemed necessary by the probation officer and shall comply with all rules and regulations of the treatment agency until discharged by the Program Director with the approval of the probation officer. The defendant shall further submit to drug-detection techniques, in addition to those performed by the treatment agency, as directed by the probation officer. The defendant will incur costs associated with such drug/alcohol detection and treatment, based on ability to pay as determined by the probation officer.

**MANDATORY DRUG TESTING:** The defendant shall participate in mandatory drug testing as directed by the Probation Office at a rate of not less than 3 nor more than 6 times per month, unless reduced at the discretion of the Probation Office. The defendant shall contribute to the costs of the testing based on ability to pay as determined by the Probation Office.

DEFENDANT: DONALD MILLER  
CASE NUMBER: 2:06CR00386-001

## CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$200.00		

The special assessment is \$100.00 as to each of Counts One and Two for a total of \$200.00.

- See Additional Terms for Criminal Monetary Penalties.
- The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal payees must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

See Additional Restitution Payees.  
**TOTALS**      \$ \_\_\_\_\_ 0.00      \$ \_\_\_\_\_ 0.00

- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
  - the interest requirement is waived for the  fine       restitution.
  - the interest requirement for the  fine       restitution is modified as follows:
- Based on the Government's motion, the Court finds that reasonable efforts to collect the special assessment are not likely to be effective. Therefore, the assessment is hereby remitted.

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **DONALD MILLER**  
CASE NUMBER: **2:06CR00386-001**

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due  
 not later than \_\_\_\_\_, or  
 in accordance with  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_, to commence \_\_\_\_\_ days after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_, to commence \_\_\_\_\_ days after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ days after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:  
Make all payments payable to: U.S. District Clerk, 1133 N. Shoreline Blvd Ste 208, Corpus Christi, TX 78401.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Case Number

Defendant and Co-Defendant Names  
(including defendant number)

Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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See Additional Defendants and Co-Defendants Held Joint and Several.

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

See Additional Forfeited Property.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.